

ABOLITION OF STADE OR BRUNSHAUSEN DUES

Treaty and protocol signed at Berlin November 6, 1861
Senate advice and consent to ratification February 3, 1862
Ratified by the President of the United States February 7, 1862
Ratified by Hanover April 12, 1862
Ratifications exchanged at Berlin April 29, 1862
Entered into force April 29, 1862
Proclaimed by the President of the United States June 17, 1862
Obsolete

12 Stat. 1187; Treaty Series 156¹

SPECIAL TREATY CONCERNING THE ABOLITION OF THE STADE OR BRUNSHAUSEN DUES

The United States of America and His Majesty the King of Hanover, equally animated by the desire to increase and facilitate the relations of commerce and navigation between the two countries have resolved, to conclude a special Treaty to the end, to free the navigation of the Elbe from the tolls, known under the designation of the Stade or Brunshausen Dues, and have for that purpose conferred full-powers:

the President of the United States of America
upon Mr. Norman B. Judd, Envoy extraordinary and Minister plenipotentiary of the United States of America to Prussia,

and His Majesty the King of Hanover
upon His Envoy extraordinary and Minister plenipotentiary at the Royal Prussian Court, the Lieutenant-Colonel and extraordinary Aid-de-Camp Mr. August Wilhelm von Reitzenstein, Knight-Commander of the 2^d class of the Royal Guelphick Order etc.

who after having exchanged their full-powers, and having found them to be in due and proper form, have concluded the following articles:

¹ For a detailed study of this treaty, see 8 Miller 615.

ARTICLE I

His Majesty the King of Hanover assumes towards the United States of America, who accept the same, the obligation:

1, to abolish completely and forever the toll, hitherto levied on the cargoes of American vessels, ascending the Elbe and passing the mouth of the river called Schwinge, designated under the name of the Stade or Brunshausen Dues;

2, to levy no toll of any kind, of whatever nature it may be, upon the hulls or cargoes of American vessels, ascending or descending the Elbe, in place of those Dues, the abolition of which is agreed upon in the preceding paragraph;

3, nor to subject hereafter, under any pretext whatever, American vessels, ascending or descending the Elbe, to any measure of control, regarding the Dues, that are hereby abolished.

ARTICLE II

His Majesty the King of Hanover obligates himself moreover to the United States of America:

1, to provide as hitherto, and to the extent of the existing obligations for the maintenance of the works, that are necessary for the free navigation of the Elbe;

2, not to impose, as a compensation for the expenses resulting from the execution of this obligation, upon the American Marine any charge whatever in lieu and place of the Stade or Brunshausen Dues.

ARTICLE III

By way of damage and compensation for the sacrifices imposed upon His Majesty the King of Hanover, by the above stipulations, the United States of America agree to pay to His Majesty the King of Hanover, who accepts the same, the sum of Sixty Thousand Three Hundred and Fifty Three Thalers Hanoverian currency, this being the proportional quota part of the United States in the general table of indemnification for the abolition of the Stade or Brunshausen Dues.

ARTICLE IV

The sum of Sixty Thousand Three Hundred and Fifty Three Thalers Courant, stipulated in Article III, shall be paid at Berlin into the hands of such person, as shall have been authorized by His Majesty the King of Hanover to receive it, on the day of the exchange of ratifications as hereinafter provided.

In consideration of the fact, that the stipulations, contained in Articles I and II, have already been applied to the American flag since the first day

of July 1861, the United States of America agree to pay besides, and the same time with the capital above named, the interest of that sum, at the rate of four per centum per annum, commencing with the first day of October 1861.

ARTICLE V

The execution of the obligations, contained in the present treaty, is especially subordinated to the accomplishment of such formalities and rules, as are established by the constitutions of the High Contracting Powers, and the compliance with these formalities and rules be brought about within the shortest delay possible.

ARTICLE VI

The Treaty of Commerce and Navigation, concluded between the United States of America and His Majesty the King of Hanover on the tenth day of June 1846.² shall continue to remain in force, with the exception of the stipulation contained in Paragraph 3. Article I, which shall cease to have effect, after the present Treaty shall have been ratified.

ARTICLE VII

This Treaty shall be approved and ratified, and the ratifications shall be exchanged at the city of Berlin within six months from the present date, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the above articles both in the English and German languages and they have thereto affixed their seals.

Done in duplicate at Berlin the sixth day of November in the year of our Lord one thousand eight hundred and sixty one, and the Independence of the United States of America the eighty sixth.

N. B. JUDD

[SEAL]

WILHELM AUGUST VON REITZENSTEIN

[SEAL]

PROTOCOL

It remains understood, that until the execution of the stipulations contained in Articles V and VII of the treaty of to-day shall have taken place, the Hanoverian Government shall preserve the right, provisionally by way of precaution to maintain the Dues, which it has agreed to abolish. But as soon as the United States of America shall have fulfilled the stipulations therein mentioned, the Hanoverian Government shall order the discharge of that temporary measure of precaution, as regards merchandize transported in

² TS 154, *ante*, p. 27.

American vessels. Until however all the Powers, parties to the general treaty of the 22^d day of June 1861,³ concerning the abolition of the Stade or Brunshausen Dues, shall have fulfilled the engagements contained in the articles VI and VII of the last named treaty, it shall have power to require of American vessels a proof of their nationality without thereby causing them a delay or detention.

Done at Berlin the 6th November 1861.

N. B. JUDD

[SEAL]

WILHELM AUGUST VON REITZENSTEIN

[SEAL]

³ *British and Foreign State Papers*, vol. 51, p. 27.